

PTO/SB/25(10-00)

Approved for use through 10/31/2002. OMB 0651-0031

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION		Docket Number (Optional) F3275(V)
<p>In re Application of: Spindler et al. Application No.: 10/005,678 Filed: December 5, 2001 For: Aerated Compositions, Process and Apparatus for Achieving Such Aerated Compositions</p>		
<p>The owner*, Good Humor Breyers Ice Cream, Division of Conopco, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/005,677, filed on December 5, 2001, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p>		
<p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.</p>		
<p>Check either box 1 or 2 below, if appropriate.</p>		
<p>1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>		
<p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p>		
 Signature _____ <p><i>Gerald J. McGowan, Jr.</i></p>		
<p><i>11/1/04</i> Date _____</p>		
<p>Typed or printed name _____</p>		
<p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included. Please charge any additional fees or credit overpayment to Deposit Account No. 12-1155</p>		
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<p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.</p>		

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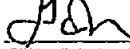
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on November 1, 2004


GERARD J. MCGOWAN
Reg. No. 29,412

Attorney for Applicant(s)

November 1, 2004
Date of Signature

In re application of: Spindler et al.,
Serial No.: 10/005,678
Filed: December 5, 2001
For: AERATED COMPOSITIONS, PROCESS AND APPARATUS FOR ACHIEVING SUCH TREATED
COMPOSITIONS

Group: 1761
Examiner: Nina Nmn Bhatt
Edgewater, New Jersey 07020

Commissioner for Patents
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Sir:

Transmitted herewith is an amendment in the above-identified application.
 No additional fee is required.

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	(2) * Claims Remaining After Amendment		(4)** Highest No. Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims		Minus			\$ 18.00	
Independent Claims		Minus			\$ 88.00	
Multiple Claims					\$ 300.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ ——————

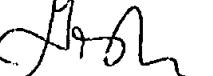
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- (X) 37 C.F.R. § 1.16;
(X) 37 C.F.R. § 1.17;
(X) 37 C.F.R. § 1.18.

Triplicate copies of this letter are enclosed.



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